

#19/105

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Clark et al.

Atty Docket No.: 0037.00

Examiner: A. Lewis

Application No. 09/414,384

Group Art Unit: 3761

Filed: 10-7-99

March 5, 2002

Title: FLOW RESISTANCE MODULATED
AEROSOLIZED ACTIVE AGENT
DELIVERY

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on March 5, 2002.

Signed:

Kathy Honnert
Kathy Honnert

INFORMATION DISCLOSURE STATEMENT

UNDER 37 CFR §1.56, §1.97 and §1.98

Commissioner for Patents
Washington, DC 20231

Dear Sir:

The references listed in the attached PTO Form 1449 may be material to examination of the above-identified patent application. Applicants submit these references in compliance with their duty of disclosure pursuant to 37 CFR §§1.56, 1.97, and 1.98. The Examiner is requested to make these citations of official record in this application.

This Information Disclosure Statement is not to be construed as a representation that a search has been made, that additional information material to the examination of this application does not exist, or that these references indeed constitute prior art.

Copies of the references are enclosed, as required under 37 CFR §1.98. The references on the attached Form 1449 identified by an asterisk (*) were previously cited by or submitted to the PTO in a prior application relied upon for an earlier filing date. Accordingly, in compliance with 37 CFR §§1.98 (d), copies of these references have not been provided.

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Attorney Docket No. 0037.00

This Information Disclosure Statement is being timely filed under 37 CFR §1.97 and is being filed:

☐ within three months of the filing date of a national application; within three months of the date of entry of the national stage as set forth in section 1.491 in an international application; or before the mailing date of a first Office action on the merits (whichever event occurs last);

☒ more than three months from the filing date of an application and after the mailing date of a first Office action on the merits, but before the mailing date of either a final action under section 1.113 or a notice of allowance under section 1.311 (whichever occurs first), and is accompanied by:

☒ the fee set forth in 37 CFR 1.17(p) for submission of an information disclosure statement under §1.97(c) (\$180.00); or

☐ one of the following statements as specified in 37 CFR 1.97(e) that:

☐ each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or

☐ no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in section 1.56(c) more than three months prior to the filing of the information disclosure statement; or

☐ after the mailing date of either a final action under section 1.113 or a notice of allowance under section 1.311, but on or before the payment of the issue fee, and is accompanied by each of:

☐ the following petition:
Applicant hereby requests consideration of the accompanying information disclosure statement;

☐ the petition fee set forth in 37 CFR 1.17(i) (\$130.00); and

☐ one of the following statements as specified in 37 CFR 1.97(e) that:

☐ each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three

months prior to the filing of the information disclosure statement; or

☐ no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in section 1.56(c) more than three months prior to the filing of the information disclosure statement.

☐ Attached is Check No. _ in the amount of \$0.

☒ Please charge the amount of \$ 180.00 to Deposit Account 50-0348.


☒ If it is determined that any additional fees are due, the Commissioner is hereby authorized to charge such fees to Deposit Account (Order No.).

Respectfully submitted,

INHALE THERAPEUTIC SYSTEMS, INC.

Dated: March 5, 2002

By:



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